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SENATE

{ REPORT
No. 759

MASAKI SUGIYAMA

SEPTEMBER 17 (legislative day, SEPTEMBER 13), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 1421]

The Committee on the Judiciary, to which was referred the bill (S. 1421) for the relief of Masaki Sugiyama, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

AMENDMENT

Strike all after the enacting clause and insert in lieu thereof the following:

That the provisions of section 13 (c) of the Immigration Act of 1924, as amended, shall not hereafter apply to Masaki Sugiyama, the Japanese fiancée of Patrick L. Duane, a citizen of the United States, and that the said Masaki Sugiyama may be eligible for a nonquota immigration visa if she is found otherwise admissible under the immigration laws: *Provided*, That the administrative authorities find that marriage between the above-mentioned parties occurred within three months after the enactment of this Act.

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to remove the racial barrier to admission into the United States for the wife of a United States citizen and to grant her the status of a nonquota immigrant, which is the status normally enjoyed by the alien wife of a citizen of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 25-year-old native and citizen of Japan. Her fiancé, Patrick L. Duane, is a native-born United States citizen and has been employed for the past 4 years in Japan.

The bill as originally introduced, provided for the admission of the beneficiary of the bill as a fiancée. However, Mr. Duane is presently in Japan and the bill has been amended accordingly.

A letter dated August 6, 1951, to the chairman of the Senate Committee on the Judiciary from the Deputy Attorney General with reference to the case, reads as follows:

AUGUST 6, 1951.

HON. PAT McCARRAN,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

MY DEAR SENATOR: This is in response to your request for the views of the Department of Justice relative to the bill (S. 1421) for the relief of Masako Sugiyama, an alien.

The bill would provide that the provisions of the immigration laws relating to exclusion of aliens inadmissible because of race shall not hereafter apply to Masako Sugiyama, the Japanese fiancée of Patrick L. Duane, and that Miss Sugiyama shall be eligible for a visa as a nonimmigrant temporary visitor for a period of 3 months, provided, the administrative authorities find that she is coming to the United States with a bona fide intention of being married to Mr. Duane, and that she is found otherwise admissible under the immigration laws. It would also provide that in the event the marriage between the parties does not occur within 3 months after the entry of the alien, she shall be required to depart from the United States, and upon failure to do so shall be deported. Finally, the bill would direct the Attorney General, in the event the marriage between the parties does occur within the specified time, to record the lawful admission for permanent residence of Miss Sugiyama as of the date of her entry into the United States upon the payment of the required visa fee and head tax.

The files of the Immigration and Naturalization Service of this Department disclose that the alien is a native and citizen of Japan, of the Japanese race, who was born on August 17, 1926. She is residing in her native country. Mr. Patrick L. Duane stated that he was born in San Antonio, Tex., on August 9, 1905, and that he has been in Japan for the past 4 years, that he is presently employed there as a ship's surveyor and inspector. According to three individuals, who stated that they worked with Mr. Duane at the United States Navy Shipyard, Hunter's Point, San Francisco from 1944 until 1947, Mr. Duane is divorced from his wife and has one daughter of this former marriage, who is now married.

Since the alien is of the Japanese race, she is ineligible to citizenship under section 303 of the Nationality Act of 1940, and therefore, inadmissible to the United States for permanent residence under section 13 (c) of the Immigration Act of 1924. In the absence of special or general legislation she will be unable to enter the United States for permanent residence. The question of waiving the racial restrictions on immigrants, however, is a general one and should be resolved by general legislation.

Accordingly, the Department of Justice is unable to recommend enactment of the bill.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Senator Wayne Morse, the author of the bill, has submitted the following information in connection with the case:

MAY 31, 1951.

HON. PAT McCARRAN,
*Chairman, Senate Judiciary Committee,
Senate Office Building, Washington 25, D. C.*

DEAR SENATOR: I have your letter relating to my bill, S. 1421, for the relief of Masako Sugiyama.

1. Miss Sugiyama is not now in the United States. She is a Japanese national residing in Yokohama, Japan.

2. I have no information as to the present activities of Miss Sugiyama or how she is earning a living.

3. Her fiancée, Mr. Patrick L. Duane, Military Sea Transport Service, Western Pacific, Navy No. 3223, unit 1, box E, care of Fleet Post Office, San Francisco, Calif., is employed as chief planner and estimator, Military Sea Transport Service, Western Pacific, and has been employed in Japan for the past 4 years by the Department of the Army or the Department of the Navy.

4. To my knowledge, Miss Sugiyama is not engaged in any activities, politically or otherwise, injurious to the American public interest.

5. Miss Sugiyama has not been convicted of any offense under Federal or State law or under the law of Japan according to the information supplied me.

Sincerely,

WAYNE MORSE.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (S. 1421) should be enacted.

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